

RESOLUTION NO. 2003-17

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING A
MITIGATION MONITORING PROGRAM AND AUTHORIZING THE
CITY MANAGER TO EXECUTE A LAND LEASE AGREEMENT WITH
CALPEAK POWER, LLC FOR THE INSTALLATION OF A POWER
GENERATION PLANT LOCATED AT THE FRED M. REID
INDUSTRIAL SUBSTATION SITE, 1215 E. THURMAN STREET

=====

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby
approve a Mitigation Monitoring Program for the CalPeak Power Project at 1215 E.
Thurman Street, attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the Lodi City Council hereby authorizes the
City Manager to execute a land lease agreement with CalPeak Power, LLC for the
installation of a power generation plant located at the Fred M. Reid Industrial Substation
Site, 1215 E. Thurman Street.

Dated: February 5, 2003

=====

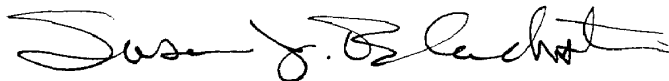
I hereby certify that Resolution No. 2003-17 was passed and adopted by the City
Council of the City of Lodi in a regular meeting held February 5, 2003, by the following
vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Howard, Land, and
Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

FINAL REPORT

**MITIGATION MONITORING
AND REPORTING
PROGRAM**

Prepared by:

URS

130 Robin Hill Road, Suite 100
Santa Barbara, California 93117
(805) 964-6010 ♦ Fax: (805) 964-0259

December 2002

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1.0 INTRODUCTION.....	1
1.1 PURPOSE OF THE MITIGATION MONITORING AND REPORTING PROGRAM.....	1
2.0 PROGRAM MANAGEMENT.....	3
2.1 MITIGATION MONITORING AND REPORTING PROGRAM PHASES.....	4
2.1.1 Design Phase.....	4
2.1.2 Construction Phase.....	6
2.1.3 Operational Phase.....	6
3.0 INVENTORY OF MITIGATION MEASURES.....	7
3.1 GENERAL.....	7
3.2 AGRICULTURE.....	7
3.3 AIR QUALITY.....	7
3.4 BIOLOGICAL RESOURCES.....	7
3.5 CULTURAL RESOURCES.....	8
3.6 GEOTECHNICAL.....	8
3.7 HAZARDS.....	9
3.8 NOISE.....	9
3.9 PUBLIC UTILITIES.....	9
3.10 TRAFFIC.....	9
3.11 VISUAL RESOURCES.....	10
4.0 REFERENCES.....	11

<u>List of Tables</u>	<u>Page</u>
Table 1 Applicable Project Phases for Implementation of Project Mitigation.....	5

List of Figures

Figure 1 Project Location Map
Figure 2 Site Plan

TABLE OF CONTENTS

List of Appendices

Appendix A Sample Reporting Form

The City of Lodi is the lead agency responsible for authorizing construction of the Lodi Electric Energy Facility (LEEF). The Initial Study (IS)/Mitigated Negative Declaration (MND) prepared for the project provides analysis of the environmental effects resulting from the construction and operation of the LEEF project (State Clearinghouse No. 2002102044, November 2002).

After considering the environmental analysis provided in the MND, the City of Lodi has issued a project site approval to construct the LEEF. CalPeak Power – Midway, LLC (CalPeak Power) proposes to construct and operate a nominal net 49 megawatt (MW) “simple-cycle” power plant referred to as LEEF. The plant will be constructed on property owned by the City of Lodi located at 1215 East Thurman Street, east of State Highway 99. The parcel (Assessor’s Parcel Number 049-070-75) is approximately 8.1 acres and the plant will occupy a two-acre portion of the parcel. The property is located in an industrially zoned portion of the City of Lodi, east of State Highway 99. A project location map and site plan are provided in Figures 1 and 2, respectively.

The project includes a number of measures to reduce or avoid potential environmental impacts associated with project construction and maintenance. Section 21081.6 of the Public Resources Code requires the lead or responsible agency, which approves or carries out a project where an MND has identified measures to mitigate significant environmental effects, to adopt a “reporting monitoring program for adopted or required changes to mitigate or avoid significant environmental effects.” In accordance with Section 21081.6 of the Public Resources Code, this Mitigation Monitoring and Reporting Program (MMRP) has been prepared.

1.1 PURPOSE OF THE MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP developed for the LEEF project has been prepared in compliance with the requirements established in the California Environmental Quality Act (CEQA). CEQA provides that when adopting an MND, a public agency must adopt an MMRP for the changes to the project which it has adopted or made condition of approval in order to mitigate or avoid significant project-related impacts on the environment. The MMRP is designed to ensure compliance during implementation of the approved project through ongoing monitoring and reporting of adopted mitigation measures. The primary goal of the MMRP is to ensure that during final design, construction, and operation, the project will avoid or reduce potentially significant environmental impacts.

The achievement of this goal involves the following five key actions:

- Adoption of mitigation measures as identified in this MMRP and in the MND as conditions of approval of the project
- Implementation of the adopted mitigation measures, as appropriate during design, construction, and/or operation of the project
- Implementation of a monitoring process that confirms the application of the adopted mitigation measures
- Implementation of a monitoring process that measures the applied effectiveness of the adopted mitigation measures
- Establishment of a review and decision process that modifies the adopted mitigation measures or institutes new mitigation measures, as necessary, to achieve the avoidance or reduction of significant impacts recognized in the MND

The MMRP for the LEEF project will be in place through all phases of the project, including design, construction, and operation. The City of Lodi is responsible for the overall implementation and management of the MMRP through the design, construction, and operations periods. The City of Lodi includes staff familiar with the project and qualified to determine if an adopted mitigation measure is being properly implemented. The Community Development Director and/or assignee will be responsible for ensuring the following are implemented:

- A MMRP Reporting Form is prepared for each impact and its corresponding mitigation (see example in Appendix A).
- Appropriate specialists are retained as needed to perform or monitor specific mitigation activities.
- MMRP Reporting Forms are distributed to the appropriate parties so that specific action items can be developed to carry out the necessary mitigation. These will be listed in the implementation action items section of the form.
- Mitigation measures that continue into the operational phase will be incorporated into LEEF's operational procedures.
- The Community Development Director and/or assignee will approve, by signature and date, the completion of each action item that was identified on the MMRP Reporting Form.

All MMRP Reporting Forms for impacts requiring no further monitoring will be signed off as completed by the Community Development Director and/or assignee at the bottom of the MMRP Reporting Form.

Unanticipated circumstances may arise requiring the refinement of mitigation measures. The Community Development Director and/or assignee is responsible for approving any such refinements or additions. A revised MMRP Reporting Form will be prepared by the Community Development Director and/or assignee for each such addition or refinement and provided to the appropriate design, construction, or operational personnel for compliance.

The Community Development Director and/or assignee has the authority to stop the work of construction contractors, if compliance with any aspects of the MMRP is not occurring after appropriate notifications have been issued.

All active and completed MMRP Reporting Forms will be kept on file with the City of Lodi. Forms will be available for inspection upon request at the following address:

Mr. Konradt Bartlam
Community Development Director
City of Lodi
221 West Pine Street
Lodi, CA 95241-1910

2.1 MITIGATION MONITORING AND REPORTING PROGRAM PHASES

The MMRP described herein is intended to provide focused yet flexible guidelines for monitoring the implementation of the mitigation measures discussed in the MND and approved by the City of Lodi. All mitigation measures that are the responsibility of the lead agency, are included and listed in Table 1. Other agencies involved in the implementation of a specific mitigation measure are shown in the "Associated Agency" column in Table 1. Section 3.0 of this document lists all mitigation measures adopted for the project. Each mitigation measure is individually numbered and grouped by area of potential impact. Table 1 correlates each mitigation measure by its assigned number to the specific phase of the project to which the measure applies. The three project phases, which include design, construction, and operation, are discussed in more detail below. A Reporting Form (see example in Appendix A) will be prepared for each impact and its corresponding mitigation measure as identified in Section 3.0 of this document.

2.1.1 Design Phase

The design phase includes preparation of engineering design, architectural design, and construction drawings by project design engineers and architects. Prior to initiation of design phase activities, the measure(s) applicable to each design phase activity are identified and reviewed with the design engineer, architect, or other responsible parties. In the event the Community Development Director and/or assignee determines that there is non-compliance with any of the mitigation measures to be implemented during the design phase, corrective actions are required and a follow-up review is conducted after the design documents are modified in response to the Community Development Director and/or assignee comments. Reporting Forms are completed after each activity.

SECTION 2.0

PROGRAM MANAGEMENT

TABLE 1
APPLICABLE PROJECT PHASES FOR
IMPLEMENTATION OF PROJECT MITIGATION

Mitigation Measure	Applicable Phase			Agency	
	Design	Construction	Operation	Lead	Associated
General					
GEN-1	✓	✓		City of Lodi	County of San Joaquin
Agriculture					
AG-1				County of San Joaquin	
Air Quality					
AQ-1		✓		SJAPCD	City of Lodi
Biological Resources					
BIO-1	✓	✓	✓	CDFG/USFWS/NMFS	
BIO-2	✓	✓		CDFG/USFWS/NMFS	
BIO-3	✓			CDFG/USFWS/NMFS	
BIO-4		✓		City of Lodi	County of San Joaquin
BIO-5		✓		CDFG/USFWS/NMFS	
Cultural Resources					
CUL-1		✓		SHPO	N/A
Geotechnical					
GT-1	✓	✓		City of Lodi	County of San Joaquin
GT-2	✓	✓		City of Lodi	County of San Joaquin
Hazards					
HAZ-1	✓	✓	✓	City of Lodi	County of San Joaquin
HAZ-2	✓	✓	✓	City of Lodi	County of San Joaquin
Noise					
NOI-1	✓	✓		City of Lodi	N/A
Public Utilities					
PU-1	✓	✓		City of Lodi	N/A
Traffic					
TRA-1	✓	✓		City of Lodi	County of San Joaquin
TRA-2	✓	✓		City of Lodi	County of San Joaquin
Visual Resources					
VIS-1	✓	✓		City of Lodi	N/A
VIS-2	✓	✓	✓	City of Lodi	N/A
VIS-3	✓		✓	City of Lodi	N/A

SJAPCD: San Joaquin Air Pollution Control District

CDFG: California Department of Fish and Game

USFWS: U.S. Fish and Wildlife Service

NMFS: National Marine Fisheries Service

N/A: Not Applicable

2.1.2 Construction Phase

A pre-construction meeting will be held with the contractor prior to the initiation of construction activity. The Community Development Director and/or assignee will attend the meeting to explain the MMRP contractor and City of Lodi roles and responsibilities; and the approach for consultation site visits and inspections. Construction activities are monitored as conditions dictate to ensure that required mitigation measures are implemented. Applicable measures are discussed with construction contractors periodically as needed to facilitate implementation. The Community Development Director and/or assignee coordinates with affected local, state, and federal agencies to ensure applicable ordinance, standards, and guidelines for construction are implemented.

2.1.3 Operational Phase

Once the facility is complete and operating, the operational aspects of the MMRP will, at this point, become part of LEEF's operational procedures.

SECTION 3.0

INVENTORY OF MITIGATION MEASURES

The mitigation measures described in the MND that were adopted as conditions of project approval are listed below. Mitigation is listed by type of topical issue.

3.1 GENERAL

GEN-1 Prior to site development, CalPeak Power will submit project construction and grading plans to the city of Lodi Public Works Department for review and comment. The plan submittal will follow a typical building permit and grading permit submittal process. CalPeak Power will incorporate the plan check comments into the project.

3.2 AGRICULTURE

AG-1 The San Joaquin Multi-Space County Plan (SJMSCP) designates these two parcels Multi-Purpose Open Space Lands and this category does not require compensation in the form of preserve acquisition. The Multi-Purpose Open Space Lands have a limited value to the SJMSCP covered species and their conversion necessitates a requirement to assist in financing the SJMSCP Preserve System by supporting a portion of the enhancement, management, and administrative costs associated with the preserve system. The LEEF project will submit the \$895 per acre fee or the rate in effect at the time of permit issuance consistent with the provisions of the adopted SJMSCP.

3.3 AIR QUALITY

AQ-1 CalPeak Power will comply with the SJAPCD rules and regulations to reduce fugitive dust emissions, including implementing the following:

- All unpaved construction areas will be sprinkled with water or other acceptable SJAPCD dust-control agents during dust-generating activities to reduce dust emissions. Additional watering or acceptable SJAPCD dust-control agents will be applied during dry weather or windy days.

3.4 BIOLOGICAL RESOURCES

BIO-1 The Mokelumne River crossing will be designed and constructed in such a way as to avoid impacts to the waterway and adjacent riparian areas, with the use of directional drilling techniques. The boring entry and exit areas will be placed no closer than 250 feet from the top of the bank with all staging and construction areas located in previously disturbed, paved, or ruderal areas. A frac-out contingency plan will be implemented to minimize potential impacts from the release of drilling muds into the water column.

SECTION 3.0

INVENTORY OF MITIGATION MEASURES

- BIO-2** All impacts to native trees, shrubs, and habitats will be avoided by design. A biological monitor will be onsite during construction to ensure that native trees, shrubs, or habitats are not impacted.
- BIO-3** Any active or potential raptor nests will be monitored by biological monitors with no construction activities occurring within one-quarter mile (1,320 feet) of the nests until any young have fledged. If a raptor or other special-status bird is found nesting in a tree, construction activities may be delayed, or other protective measures pursued, dependent upon the direction of the qualified biologist.
- BIO-4** Upon completion of construction, all areas subject to temporary ground disturbances, including the laydown area, pipeline corridors, and pulling areas, will be restored to pre-construction conditions.
- BIO-5** All mitigation measures specified as conditions of any permits necessary for the project (i.e., U.S. Army Corps of Engineers Section 404 permit, etc.) will be implemented.

3.5 CULTURAL RESOURCES

- CUL-1** If buried cultural materials are encountered during construction, all work in that area must halt until a qualified archaeologist can evaluate the nature and significance of the finds and recommend further mitigation measures if needed. If human remains are encountered during construction, all work in that area must halt immediately and the San Joaquin County Coroner must be contacted, pursuant to California Public Resources Code sections 5097.94, 5097.98 and 5097.99. Once the County Coroner has made a determination as to the remains, the Applicant will coordinate with the State Historic Preservation Office (SHPO) and other parties, as appropriate, to develop a plan to evaluate the resource and make a determination regarding additional mitigation measures that may be required.

3.6 GEOTECHNICAL

- GT-1** Grading and construction standards based on the site-specific conditions identified in the Applicant's Geotechnical Report will be incorporated into design and construction of the proposed facilities, including the following:
- Project design will meet or exceed existing earthquake design standards.
 - Grading and site preparation will adhere to the requirements provided in the geotechnical engineering study to be prepared for the pipeline and the plant site.

SECTION 3.0

INVENTORY OF MITIGATION MEASURES

GT-2 The project will implement construction BMPs, and will employ the protective erosion control measures consistent with those described in the State General Permit for Discharges Associated with Construction Activities and the project Stormwater Pollution Prevention Plan (SWPPP).

3.7 HAZARDS

HAZ-1 The plant and gas pipeline will be designed, constructed, and operated in conformance with all applicable laws, ordinances, regulations, and standards, including all applicable industry safety standards, City of Lodi and County of San Joaquin ordinances/standards. The U.S. Department of Transportation's Office of Pipeline Safety standards will be adhered to during the construction and operation of the gas pipeline and associated facilities.

HAZ-2 Safety precautions have been designed and will be installed in order to mitigate risks associated with a potential accident, including secondary containment around hazardous materials associated with the facility, preparation and implementation of a SPCC Plan, a hazardous materials Business Plan, and a RMP pursuant to the CalARP Program. LNG facilities, if used, will be outfitted with appropriate fire prevention and response features in accordance with NFPA 59A, and be included in the CalARP Program Risk Management Program.

3.8 NOISE

NOI-1 All construction activities will comply with the County of San Joaquin and the City of Lodi's allowable construction limits of 7 a.m. to 7 p.m. Monday through Saturday, and prohibits construction on Sundays and holidays.

3.9 PUBLIC UTILITIES

PU-1 CalPeak Power will coordinate the proposed project design, specifically proposed trenching activities, with responsible utilities to ensure that the project does not conflict with existing utilities and maintenance of those utilities, particularly related to City Water Well #4.

3.10 TRAFFIC

TRA-1 A traffic control plan will be prepared by KD Anderson in accordance with the County of San Joaquin and City of Lodi traffic control guidelines, and will address construction traffic along the pipeline route. Trenching of the natural gas pipeline

along the north side of Clarksdale Road will require signage, flagmen, and lane restrictions. The traffic control plan will also include provisions for coordinating with local emergency service providers regarding construction times and lane closures.

TRA-2 CalPeak Power will obtain an encroachment permit from the County of San Joaquin for proposed trenching activities affecting County roads, and through the city of Lodi for trenching activities. This process will include submittal of project plans, review of plans by the County, possible revisions of the plans relative to concerns brought forth by the County of San Joaquin, and finally, issuance of the respective permit.

3.11 VISUAL RESOURCES

VIS-1 The project design includes perimeter fencing along Thurman Street at the plant site. The facility will be color-treated with consistent, non-reflective paint tones. It has been designed in accordance with the City of Lodi Design Review Guidelines and approved by the City of Lodi.

VIS-2 The site will be landscaped at initial development of the facility and will be done in accordance with the landscape concept plan designed in accordance with the City of Lodi. The metering station will be landscaped in accordance with San Joaquin County requirements.

VIS-3 During normal operation, night lighting will consist of shoebox fixtures. Outside floodlights will be installed approximately every foot, pursuant to City of Lodi requirements. The lamp housing will be adjusted to shine out and down. Other facility lighting will be used during emergencies only. Operations lighting will be shielded to minimize offsite glare.

URS Corporation. 2002. Preliminary Frac-Out Contingency Plan.

SAMPLE REPORTING FORM

LODI ELECTRIC ENERGY FACILITY
MITIGATION MONITORING AND REPORTING PROGRAM

REPORTING FORM

MMRP FILE:

Location: ☐ Onsite

Project Phase: ☐ Design

☐ Offsite (Give Address)

☐ Construction

☐ Operation

Impact Issue(s):

☐ Land Use ☐ Biological Resources ☐ Air Quality ☐ Hazardous Waste

☐ Aesthetics ☐ Public Utilities ☐ Noise ☐ Cultural Resources

☐ Hydrology ☐ Transportation ☐ Geotechnical

Description of Activity:

Applicable Mitigation Measures:

Methods of Implementation:

Specialist: _____
 Name _____ Discipline _____ Firm _____

Specialist: _____
 Name _____ Discipline _____ Firm _____

Implementation Action Items:	Scheduled for Completion	Completion Date	Approved By
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Disposition:

- ☐ Mitigation measure(s) implemented. No further action.
- ☐ Mitigation measure(s) not fully implemented. Further action required.
 (Explain below; attach additional sheets if necessary.)
- ☐ Non-compliance with mitigation measures. Further action required.
 (Explain below; attach additional sheets if necessary.)
- ☐ Verification of environmental compliance for construction project.

Comments/Revisions:

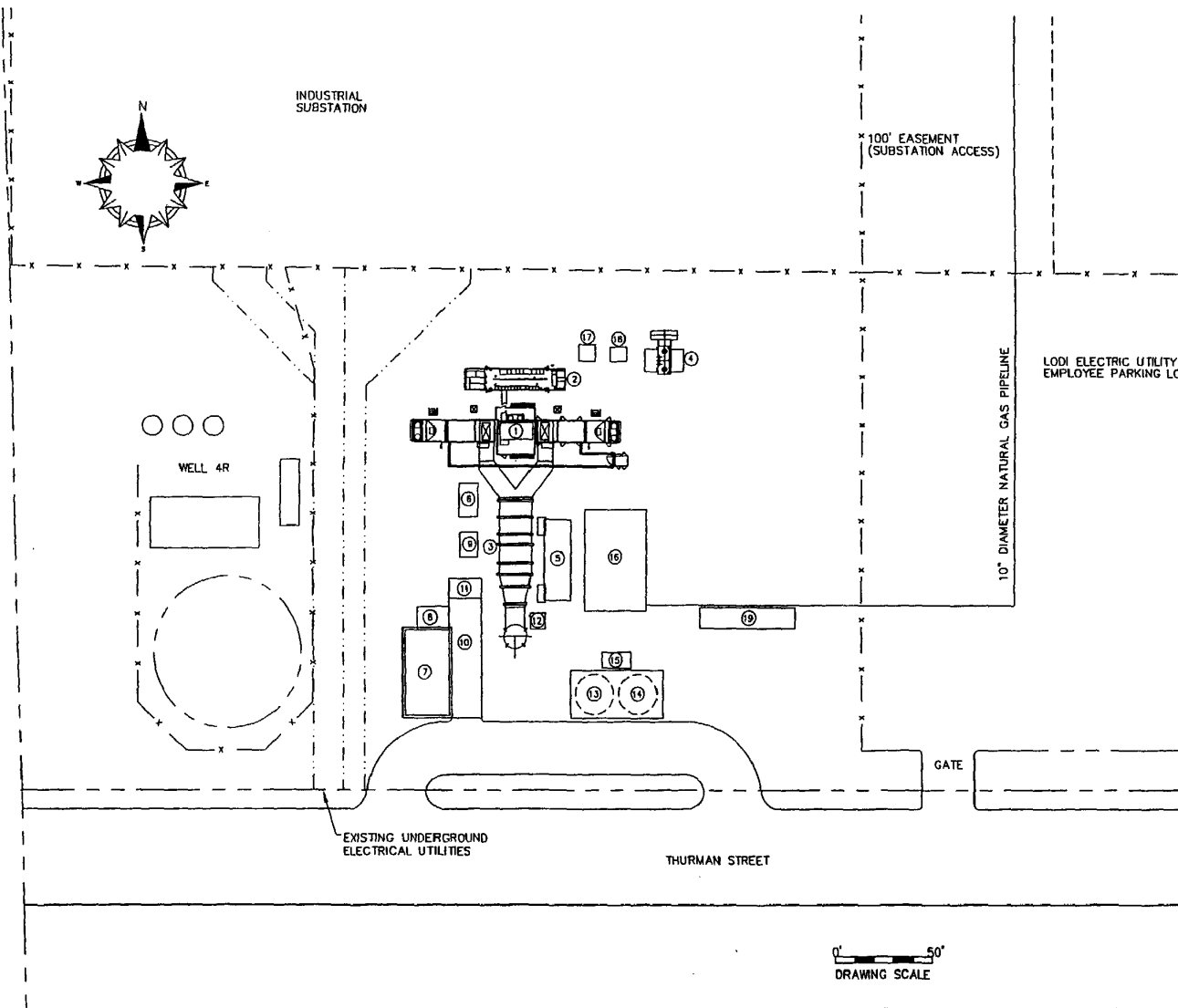
Completed by:

Name _____
 Title _____
 Date _____

Approved by:

Name _____
 Title _____
 Date _____





ITEM	DESCRIPTION	QTY
1	SWIFTPAC30 GAS TURBINE GENERATOR UNIT	1
2	PRIMARY CONTROL ENCLOSURE	1
3	CO/SCR CATALYST	1
4	MAIN STEP-UP TRANSFORMER (13.8 x 80 KV)	1
5	SECONDARY CONTROL ENCLOSURE	1
6	AIR COMPRESSOR SKID	1
7	AQUEOUS AMMONIA TANK & CONTAINMENT AREA	1
8	AQUEOUS AMMONIA FORWARDING PUMP SKID	1
9	AQUEOUS AMMONIA INJECTION CONTROL SKID	1
10	AQUEOUS AMMONIA UNLOADING AREA	1
11	WASH DOWN DRAIN TANK AREA	1
12	CEMS ENCLOSURE	1
13	DEMINERALIZED WATER TANK	1
14	DEMINERALIZED WATER TANK	1
15	WATER PUMP SKID	1
16	NATURAL GAS COMPRESSOR SKID	1
17	AUXILIARY TRANSFORMER (13,800 x 480 V)	1
18	AUXILIARY TRANSFORMER (13,800 x 4160 V)	1
19	PIG RECEIVER	1

0' 50'
DRAWING SCALE